

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BEATRICE EDWARDS and
CARL C. EDWARDS,

Plaintiffs,

v.

METROPOLITAN LIFE INSURANCE
COMPANY, et al.,

Defendants.

No. C 10-03755 CRB

**ORDER RE AMENDED COMPLAINT
AND VACATING HEARING DATE**


Pro se Plaintiffs Beatrice and Carl Edwards filed a document that they termed a First Amended Complaint. See dkt. 75. Because that document is improper, the Court deemed it “received” rather than “filed” on the docket. Id. Defendant Citibank has now moved to dismiss the document out of “an abundance of caution.” See dkt. 78 at 1 n.1. In its Motion, Citibank correctly recounts that the Court previously held that there is a valid and enforceable arbitration agreement governing Plaintiffs’s claims against Citibank, and both granted Citibank’s Motion to Compel Arbitration and stayed Plaintiffs’ case against Citibank. Id. (citing dkt. 55). Plaintiffs were not authorized to file a First Amended Complaint.

The Clerk of the Court is therefore DIRECTED not to file the “First Amended Complaint” (dkt. 75); the original Complaint (dkt. 1 Ex. A) remains the operative complaint

1 in this case. In addition, the June 10, 2011 motion hearing for Citibank's recently filed
2 Motion to Dismiss is hereby VACATED.

3 **IT IS SO ORDERED.**

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5 Dated: May 9, 2011


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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE